

AMENDED IN ASSEMBLY JUNE 24, 2009

CALIFORNIA LEGISLATURE—2009–10 THIRD EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 35

Introduced by Assembly Member Hagman
(Principal coauthor: Assembly Member Torres)
(Principal coauthor: Senator Huff)

May 28, 2009

An act relating to the Chino Valley Unified School District, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 35, as amended, Hagman. Chino Valley Unified School District: minimum schoolday.

~~(1) Existing law requires the minimum schoolday in grades 1, 2, and 3 to be 230 minutes, except if double sessions are required due to the lack of school facilities, in which case the minimum schoolday in those grades is 200 minutes. The minimum schoolday in grades 4 to 8, inclusive, is 240 minutes, except in opportunity schools, classes, or programs. Existing law authorizes an alternative manner of computing the minimum schoolday involving the averaging of the number of minutes of attendance over any 10 consecutive days, and if certain conditions are met when using the alternative computation, compliance with the minimum schoolday requirement is deemed to have occurred.~~

~~This bill would authorize the Chino Valley Unified School District to apply the alternative minimum schoolday computation for grades 1, 2, and 3 to grades 4 to 8, inclusive.~~

~~(1) Existing law prescribes the minimum length of time for the instructional school year and the minimum number of instructional minutes per schoolday. Existing law imposes fiscal penalties on school~~

districts and county offices of education that fail to maintain those minimum instructional times per school year or schoolday.

This bill would deem the Chino Valley Unified School District to have offered the minimum number of days of instruction in the 2008–09 school year if the district meets specified conditions, including offering 10 additional schooldays between June 15, 2009, and September 1, 2009.

(2) The California Constitution provides that a special statute is invalid in any case if a general statute can be made applicable.

This bill would declare that, due to unique circumstances applicable only to the ~~Emer~~ Chino Valley Unified School District, a general statute cannot be made applicable and a special statute is necessary.

(3) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. For purposes of computing the minimum~~
2 ~~schoolday pursuant to Section 46114 of the Education Code, for~~
3 ~~the 2008–09 school year for pupils enrolled in grades 4 to 8,~~
4 ~~inclusive, in the Chino Valley Unified School District, if the~~
5 ~~quotient resulting from the computation specified in subdivision~~
6 ~~(b) of Section 46114 of the Education Code is 230 or more, the~~
7 ~~pupils shall be deemed to have complied with Section 46112 of~~
8 ~~the Education Code, even if the number of minutes attended in~~
9 ~~any one schoolday is less than 230, but not less than 170 provided~~
10 ~~that the school district operates the Dickson Elementary School~~
11 ~~and the Rolling Ridge Elementary School for two additional~~
12 ~~schooldays in either the 2008–09 or 2009–10 school year.~~

1 *SECTION 1. For purposes of calculating the penalty pursuant*
2 *to subdivision (c) of Section 46200 of the Education Code, the*
3 *Chino Valley Unified School District shall be deemed to have*
4 *offered 180 days of instruction in the 2008–09 school year if the*
5 *school district:*

6 *(a) Operates grades 4 to 6, inclusive, in the Dickson Elementary*
7 *School and the Rolling Ridge Elementary School for 10 additional*
8 *school days between June 15, 2009, and September 1, 2009, where*
9 *each schoolday contains at least 240 instructional minutes for*
10 *each grade level.*

11 *(b) Maintains, for each of the 10 additional days of operation*
12 *and each school being operated, attendance equal to at least 75*
13 *percent of the 2008–09 total enrollment reported to the State*
14 *Department of Education for grades 4 to 6, inclusive, at that*
15 *school.*

16 *(c) Reaches an agreement, concerning employee compensation*
17 *for the 10 additional days of operation, with each local bargaining*
18 *unit representing certificated or classified employees of the district.*

19 *(d) Provides a quality educational program during each of the*
20 *10 additional days of operation, that includes standards-aligned*
21 *instruction by highly qualified teachers, class sizes that are*
22 *approximately the same as those during the rest of the 2008–09*
23 *school year, and support services that are equivalent to those*
24 *provided during the rest of the 2008–09 school year. Those support*
25 *services shall include, but are not limited to, access to computers,*
26 *library services, counselors, and school nurses.*

27 SEC. 2. The Legislature finds and declares that a special law
28 is necessary and that a general law cannot be made applicable
29 within the meaning of Section 16 of Article IV of the California
30 Constitution because of the unique circumstances of the ~~Emergency~~
31 Chino Valley Unified School District.

32 SEC. 3. This act addresses the fiscal emergency declared by
33 the Governor by proclamation on December 19, 2008, pursuant
34 to subdivision (f) of Section 10 of Article IV of the California
35 Constitution.

36 SEC. 4. This act is an urgency statute necessary for the
37 immediate preservation of the public peace, health, or safety within
38 the meaning of Article IV of the Constitution and shall go into
39 immediate effect. The facts constituting the necessity are:

- 1 In order to resolve the matter involving the minimum schoolday
- 2 for grades 4 to-8 6, inclusive, in the Chino Valley Unified School
- 3 District and avoid serious economic hardship for the school district,
- 4 it is necessary that this act take effect immediately.

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